

REMARKS

Claims 1, 2, 4, 12, 15, 19-21, 25 and 27 have been amended. Claims 28-36 are newly added. Support for the amendments and new claims may be found throughout the as-filed specification. No new subject matter has been added. Accordingly, claims 1-36 are currently pending, of which claims 6, 13, 14, 26, 31 and 33 are withdrawn. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

As a preliminary matter, Applicant wishes to thank the Examiner for the indication of allowable subject matter with respect to claims 10, 11 and 24.

Claims 15 and 27 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention. In particular, the Office Action alleges that claims 15 and 27 are confusing as to whether the second recitation of “barrier” in the claims refers to the first recitation of “barrier” or a different barrier. Applicant traverses this rejection. However, to merely to expedite prosecution, Applicant has amended the second recitation of “barrier” in claims 15 and 27 to recite “an additional barrier.” Accordingly, Applicant submits that claims 15 and 27 are definite and requests the withdrawal of the rejection of claims 15 and 27 under 35 U.S.C. § 112, second paragraph.

Claims 1-4, 7-9, 12, 15-23, 25 and 27 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2006/0023181 to Novak (“Novak ‘181”). Applicant traverses this rejection for at least the following reasons.

Applicant submits that the cited portions of Novak ‘181 do not teach or disclose a lithographic apparatus comprising, *inter alia*, a barrier configured to collect liquid, the barrier surrounding and spaced apart from the substrate and comprising a projection which projects out above an upper surface of the substrate table, as recited in claim 1. Similarly, Applicant submits that the cited portions of Novak ‘181 do not teach or disclose a device manufacturing method comprising, *inter alia*, collecting liquid with a barrier, the barrier surrounding and spaced apart

from the substrate and comprising a projection which projects out above an upper surface of the substrate table, as recited in claim 19.

For example, the Office Action alleges that the channel 287 in the substrate table 42 of Novak '181 is the claimed barrier. However, this downwardly-sloping channel 287 of Novak simply does not project out above an upper surface of the substrate table. The cited portions of Novak '182 make no mention or suggestion of a projection which projects out above an upper surface of the substrate table. *See, e.g.*, Figure 2B of Novak '181 (reproduced below).

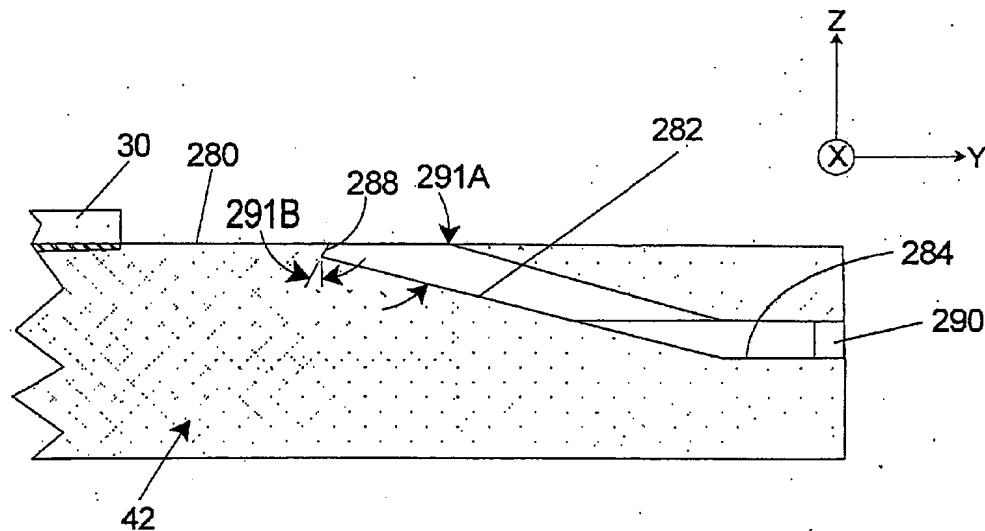


Fig. 2B

Therefore, for at least the above reasons, Applicant submits that a case of anticipation has not been established and that the cited portions of Novak '181 fail to disclose each and every feature recited by claims 1 and 19. Claims 2-4, 7-9, 12 and 15-18 depend from claim 1, and claims 20-23, 25 and 27 depend from claim 19, and are patentable for at least the same reasons provided above related to claims 1 and 19 respectively, and for the additional features recited therein. As a result, Applicant respectfully submits that the rejection under 35 U.S.C. §102(e) of claims 1-4, 7-9, 12, 15-23, 25 and 27 over Novak '181 should be withdrawn and the claims be allowed.

Claim 5 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Novak '181 in view of U.S. Patent Application Publication No. 2002/0020821 to Van Santen et al. ("Van Santen"), U.S. Patent Application Publication No. 2006/0023182 to Novak et al.

(“Novak ‘182”) or U.S. Patent No. 6,952,253 to Lof et al (“Lof”). Applicant traverses this rejection for at least the following reasons.

Claim 5 depends from claim 1. As discussed above, the cited portions of Novak ‘181 fail to disclose or render obvious each and every feature of claim 1, from which claim 5 depends.

Further, even assuming *arguendo* that the cited portions of Novak ‘181 are properly combinable with the cited portions of Van Santen, Novak ‘182 and/or Lof (which Applicant does not concede), Applicant submits that the cited portions of Van Santen, Novak ‘182, and Lof do not overcome the shortcomings of the cited portions of Novak ‘181. For example, none of the cited portions of Van Santen, Novak ‘182 or Lof make any disclosure or teaching of a barrier surrounding and spaced apart from the substrate and comprising a projection which projects out above an upper surface of the substrate table.

Therefore, for at least the above reasons, Applicant submits that a *prima facie* case of obviousness has not been established and that the cited portions of Novak ‘181, Van Santen, Novak ‘182, Lof, or a proper combination thereof fail to disclose or render obvious each and every feature recited by claim 1. Claim 5 depends from claim 1 and is patentable for at least the same reasons provided above related to claim 1, and for the additional features recited therein. As a result, Applicant respectfully submits that the rejection under 35 U.S.C. §103(a) of claim 5 over Novak ‘181 in view of Van Santen, Novak ‘182 or Lof should be withdrawn and the claim be allowed.

New claim 28 recites a lithographic apparatus comprising, *inter alia*, a first barrier configured to collect liquid, the first barrier surrounding and spaced apart from the substrate and positioned radially outwardly of a second barrier surrounding an outer peripheral edge of the substrate. The cited portions of Novak ‘181, Van Santen, Novak ‘182, Lof, or a proper combination thereof fail to disclose or render obvious these aspects. For example, even assuming, *arguendo*, that the channel 287 of Novak ‘181 may be the claimed barrier, as alleged by the Office Action (which Applicant does not concede), the cited portions of Novak ‘181 fail to teach a second barrier surrounding an outer peripheral edge of the substrate, which the first barrier is positioned radially outwardly from. Neither the cited portions of Van Santen, Novak ‘182 nor Lof appear to overcome the shortcomings of the cited portions of Novak ‘181. Claims

29-36 depends from claim 28 and are patentable for at least the same reasons provided above related to claim 28, and for the additional features recited therein.

All matters having been addressed and in view of the foregoing, Applicant respectfully requests reconsideration of this application and the immediate allowance of all pending claims.

Applicant's representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

By: 

Jean-Paul G. Hoffman
Reg. No. 42663
Tel. No. 703.770.7794
Fax No. 703.770.7901

Date: April 21, 2008
P.O. Box 10500
McLean, VA 22102
(703) 770-7900